

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.36023 of 2019 (O&M)
Date of decision : December 12, 2019

Gayatri Devi

..... Petitioner

Versus

State Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Raje Ram Kaushik, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that husband of the petitioner was entitled for the step up of his pay equivalent to his junior, keeping in view the instructions issued by the State of Haryana as per the law laid down by Hon'ble the Supreme Court in case of *“Ajit Singh Januja & Ors vs State of Punjab & Ors, 1996(2) SCC 715.*

Learned counsel for the petitioner further states that though, respondents-department in principle has already agreed to the prayer of the petitioner for step up of pay of late husband of the petitioner equivalent to the junior reserved category candidate but the benefits have not been extended to the petitioner on the ground that the service book of the late husband of the petitioner has been misplaced and is being reconstructed by the respondents. Learned counsel for the petitioner states that for last more than one year, the matter is pending between the department and the Treasury Officer, Kurukshetra for the reconstruction of the service book of the late husband of the petitioner.

Prayer of the petitioner is for directing the Treasury Officer, Kurukshetra, before whom the case is pending, for reconstructing the service book of the husband of the petitioner, to complete the service book

of the late husband of the petitioner in a time bound manner so that the benefit of step up of pay of the late husband of the petitioner be granted to him and consequential benefits can be granted to the petitioner.

From the pleadings, especially Annexure P-12, which is a letter written by the Director General, Treasury and Accounts Department, Haryana, Chandigarh, to the Treasury Officer, Kurukshetra, a request has already been made to the Treasury Officer, Kurukshetra for reconstructing the service book of the late husband of the petitioner. This Court has been informed that though, 1-½ years have elapsed after the issuance of the said letter, but no action has been taken by the Treasury Officer, Kurukshetra.

Without expressing any opinion on the merits of the case or the claim being made by the petitioner, the present petition is disposed of with a direction to the Treasury Officer, Kurukshetra i.e. respondent No.3 in the present writ petition for reconstructing the service book of the late husband of the petitioner within a period of three months from the date of receipt of certified copy of this order. Thereafter, the respondents will consider the claim of the petitioner for the grant of step up of the salary to the late husband of the petitioner as being claimed by the petitioner and pass an appropriate order within a period of two months thereafter. In case, the petitioner is found entitled for the relief after the step up of the salary of her late husband, the benefits in respect of the said claim be released to her within a further period of two months.

(HARSIMRAN SINGH SETHI)
JUDGE

December 12, 2019

sarita

Whether speaking / reasoned Yes Whether Reportable: No